

McDowell Mountain Community Church Project

August 27, 2004 - Text Revision

City of Scottsdale DRB Case # 195-PA-03

Location: N.W. corner of Shea Blvd & 124th Street (property is zoned R1-43 ESL)

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DESCRIPTION OF HARDSHIP EXEMPTION REQUEST:
PROJECT NARRATIVE:

This request is based on the need for a higher roof level on several portions of the building than is allowed in the new Third Amendment to the ESLO, effective May 21, 2004. (ESLO III)

The previous height ordinance (ESLO II), when we designed this project from July 2003 thru December 2003, was 26 ft above natural grade (A.N.G.). It has since changed to 24 ft A.N.G. this past May. Prior to May 2004, the ordinance allowed DRB the authority to review and consider a request to exceed this height and to approve non-residential buildings that exceed 26 ft A.N.G. height.

The major complications in controlling the height are derived from the necessity to create the ceiling volume for a worship space which will accommodate a congregation of 1000. Extra ceiling height is required in a multi-purpose room for the education wing, and the need for the 2 floors stacked for the education wing are the two other locations exceeding the height limit.

- The Worship Center has its highest point at 26'-0" above natural grade so that it would meet ESLO II at the time it was designed.
- The Multi-Purpose Room is designed with the highest part of its sloping roof on the west side at 35'-0" above natural grade. Actual Elevation is 1583'-8" which is only 1 ft higher than the Worship Center's highest elevation point.
- The Education Wing is designed with its top of the west parapet of the 2-story wall at 29'-11" above natural grade. The actual elevation is 1573'-11" which is 8'-9" lower than the highest elevation point of the Worship Center roof. Refer to Drawing A1.3.

It is stated in the 'Citizen's Guide to Environmentally Sensitive Lands', "*the ESL Ordinance is not intended to deny the reasonable use of the land, but rather a guide to its use in ways that are sustainable and recognize the unique opportunities this setting provides.*"

We believe that the increased height is appropriate and compatible with the character of the neighborhood and fits well into the natural grade change opportunities on site. We believe our design melds well with the existing rolling topography of this elevated desert site. We further believe the "organic" design of our building with its multiple roof heights and indigenous materials and colors respond to the unique terrain of the site by blending with the natural shape and texture of the land as viewed from the streets and from the neighbor's perspective. We have purposely designed multiple steps and varied forms at the top lines of the building to visually reduce the apparent height and alter the long linear appearance to one of a small complex of structures rather than appearing as one long box. This was also as a direct result of our decision to not make

any portion of the building any taller than its function requires. The existing native desert trees along the arroyo assist in camouflaging the building height from the west and northwest.

We have included as part of this submittal, sections of the building as they appear on the site and a roof plan with areas above 24 ft highlighted to indicate what a small proportion of the building is actually above the 24 ft height limit. We have also included an exhibit that is an Aerial Photo of Surrounding Neighborhood and some building photos that presents the context of the other larger buildings and their corresponding heights to prove that this building is and will be perceived as one of the smaller and shorter non-residential buildings in the vicinity.

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JUSTIFICATION FOR EXEMPTION:

1. *Demonstrated Substantial Hardship that would reduce the ability to use the parcel(s):*

A. **SITE CONSTRAINTS:** The Site comprises about 8.0 net acres of largely pristine upper desert landform in the foothills of the McDowell Mountain range. The overall site restrictions have created such hardship boundaries that our building area has resulted in a floor to area ratio of only 16%. We are restricted on our south property due to the 100 ft Scenic Corridor setback on Shea Blvd., the west property line by the 100' scenic corridor at the wash and on the east by the 40' scenic setback on 124th Street. In addition, we are required to set aside approx 30% as N.A.O.S. (which we have exceeded). All these challenges combined have left a restrictive footprint area available for a building. We resolved this reduced land issue by designing a stacked education wing with the lower level buried into the hillside as the land drops off to the West. To explain the "stacking", the Worship Center and main Education Floor are all on the same main grade elevation. The lower level of the Education building is cut 14' into the hillside to take advantage of the slope toward the west and to reduce the amount of land coverage to allow for a turf play area to accompany the Sunday school program.

B. **EXCAVATION HARDSHIP:** The geotechnical report analysis shows the soil to be rock and caliche - "the presence of very dense / hard soils and calcareous cementation may impede progress and require the use of heavier equipment for excavation." Lowering the overall footprint of the main level further would make the excavation costs prohibitive and additionally detrimental to the site area due to the required ADA ramping and grading.

C. **MULTI-PURPOSE AREA RECREATIONAL CONSTRAINTS:** The impact of the height appears to be most evident on the west end of the site where the building sits between 30 ft. and 35 ft. A.N.G. However, due to the steep drop in the grade, the structure still appears as only a 1 or 1.5 story building from all roads. In other words, the top of parapet on the west end of the proposed elevations for the two story Education wing is actually lower than the top of worship center and the parapet over the lobby. The top of roof over the multi-purpose room (which exceeds the height limit the greatest) is only 1 ft higher than the top of parapet at the worship center. One function of the multi-purpose area is as a recreation gym. The recommended clear ceiling height for a gym is 26 ft. We have already compromised this recommended height by designing this area to have a sloping ceiling of minimum 18 ft up to max at 24 ft. so that we would not create a severe visual impact by adding excessive height. In the past, building heights were allowed to be taller for the assembly or gym areas. Refer to drawings A1.3 and A2.2A graphic indications of portions of the building that exceed the 24'-0" above natural grade.

- D. **EDUCATIONAL FACILITY NEEDS:** As proposed, the design calls for the lower Sunday school education level to be buried into the ground in order to limit the affect on the neighborhood. Reducing the building to a single floor and doubling the education building footprint would actually be more invasive to the site and for the neighborhood. By simply removing the second floor of the education wing, the church would not have the children's space necessary nor the adult seating capacity to fulfill their needs, This would result in hardship of having to further reduce their program capacity.
- E. **RELIGIOUS – WORSHIP CENTER NEEDS:** If the exemption is not granted, the Worship Center will have an unusually low ceiling in relation to the room size, thus affecting the required acoustic and visual outcome negatively. The floor level of the Worship Center has already been sloped to below natural grade to create a "theatre" setting. This assisted in keeping the overall height as low as we could and resulted in setting it at the former allowable height of 26 ft A.N.G.
- F. **RELIGIOUS CONSTRAINT: TOWER OR STEEPLE.** We designed this religious facility without a special tower or steeple in deference to the other height issues involved. Therefore we are not asking for any special exemption for this element.
- G. **NEIGHBORHOOD CONTEXT:** The site is surrounded by developed areas, not pristine desert. It is surrounded by taller structures than the heights we are requesting. St Bernard Catholic Church, Desert Mountain High School, Mountain View Middle School, and the Islamic Center of NE Scottsdale. In addition, some of the surrounding homes exceed the 24 ft. height either as 2-story designs or as large volume spaces. Please refer to the final point in Item 4 (below) to study the compatibility of our requested height in the context of the surrounding buildings heights.

- 2. The **requested exemption** is consistent with the intent and purpose of the ESL Ordinance:

We believe our exemption request is consistent with the intent and purpose of the ESL Ordinance as explained under each of the ESLO III, Section 6.1011. Purpose. As follows:

- A. *Protect people and property from hazardous conditions . . . (rockfalls, erosion, flooding)*
The requested exemption for increase in height of the building would not affect this item.
- B. *Protect and preserve significant natural and visual resources. (prime wildlife habitat and corridors, significant washes, significant riparian habitats).*
The prime wildlife corridors and habitats, and significant wash are preserved in the natural state to conserve the character and maintain the unique desert setting. The requested exemption for increase in height of the building would not affect this item.
- C. *Protect renewable and nonrenewable resources such as water quality, air quality, soils, and natural vegetation from incompatible land uses. The natural vegetation is being protected on a large proportion of the site. The requested exemption for increase in height of the building would not affect this item.*

- D. *Minimize the public costs of providing public services and facilities in ESL areas such as streets, water, sewer, . . . Costs associated with design and development of infrastructure in environmentally sensitive areas can be higher than costs in other areas of the city due to the unique and fragile nature of such lands.*

The utility infrastructure is already in place along Shea and 124th Street. The requested exemption for increase in height of the building would not affect this item.

- E. *Conserve the character of the natural landscape. Guide the location and distribution of meaningful on lot and common tract open space and protect sensitive environmental features to sustain the unique desert character found in ESL areas.*

The natural vegetation is being protected on a large proportion of the site. In addition, having a two-story building (half buried into the hillside) reduces the amount of footprint constructed and therefore reduces the building's impact on the community.

- F. *Recognize and conserve the economic, educational, recreational, historic, archaeological, and other cultural assets of the environment that provide amenities and services for residents and visitors. The requested exemption for increase in height of the building would not affect this item.*

- G. *Assure that decisions regarding development in environmentally sensitive areas are based on complete and accurate information about the environmental conditions including drainage features and probable development impacts.*

The requested exemption for increase in height of the building would not affect this item.

- H. *Minimize the impacts of development by controlling the location, intensity, pattern, design, construction techniques, and materials of development and construction.*

As listed above, the design team has taken great pains to ensure a pleasant and organic scheme which is fitting for this beautiful site. The requested exemption for increase in height of the building would not affect this item.

- I. *Retain the visual character of the natural landscape to the greatest extent feasible by regulating building mass, location, colors and materials; grading location, design and treatment; and landscaping design and materials.*

Our requested exemption for increase in height of the building is directly related to this item. We are recreating the visual character of the natural landscape by our new landscaping design and materials. We have designed the building mass, materials and colors to blend into the natural desert setting. Refer to the following text taken from our original D.R.B. Narrative:

The Phase I Worship Center massing and detail evoke the notion of a structure of indigenous materials and colors rising out of the rolling, elevated desert site. The prominent lobby main entry consists of two massive, dramatically curved, sloping, striated "Canyon Walls" rising out of the ground and colored in desert tans. The walls would be smooth integral colored stucco on masonry, or if budget permits integrally colored cast-in-place concrete. Spanning between the canyon walls is a muted green-colored metal roof canopy that is

intended to emulate and extend the adjacent natural canopy provided by newly planted paloverde trees.

Secondary to the entry feature/ lobby is the multifaceted, sloping Auditorium structure tucked behind the East "canyon wall" with banded integrally colored masonry walls, rusted "Corten" steel finished high sloped roof brow accent and clear vertically proportioned glazed segments complete with green metal shade canopies. The overall form of the auditorium would appear as "outcroppings".

The second and third Education Building phases would balance the auditorium form outcroppings and tucked behind the west Canyon Wall of the Phase I lobby.

- J. *Maintain significant open spaces which provide view corridors and land use buffers . . . to maintain the city's unique desert setting.*

Our requested exemption for increase in height of the building is directly related to this item.

- K. *Protect environmentally sensitive lands, while also recognizing the legitimate expectations of property owners and the city's overall economic goals.*

Our requested exemption for increase in height of the building is directly related to this item. We have protected the environmentally sensitive lands on site and feel that a church is the highest and best use for this property. A church requires appropriate height and the second story of the educational wing actually reduces the impact on the neighborhood.

- L. *Encourage innovative planning, design, and construction techniques for development in environmentally sensitive areas.*

Our requested exemption for increase in height of the building is directly related to this item. Refer to the innovative design narrative in Item I.

3. *The application of the new ESLO standards does not achieve significant benefit for protection of the environment and community:*

ENVIRONMENT & COMMUNITY: The community benefit is interpreted as "preserving Sonoran Desert Open Space while protecting the residents from potential flooding, erosion and detrimental visual impacts." It is also "to promote public health and safety by controlling development on these lands." We share this mission. We have met the N.A.O.S. (Natural Area Open Space), requirements and in so doing, we have preserved an arroyo area that is well vegetated with trees and native desert plants that act as a natural visual buffer for the neighborhoods. We are enhancing Shea Blvd frontage with our adherence to the Scenic Corridor Guidelines. The information we have provided indicates the level of visual impact these requested roof heights will have on the surrounding neighborhood. The rolling, elevated desert site sits approx. 11 ft higher than the intersection at Shea and 124th St. Due to the steep grade changes near that intersection, the view from a passing vehicle is limited to the upper portions of the building, and the entire height would not be a visual impact.

NORTHWEST NEIGHBORHOOD: Since the lower floor level and the natural grade along the west & northwest side of the building are substantially lower than the existing houses in the neighborhood at the northwest, (due to the slope toward the arroyo) the height of the tallest portion of the multi-purpose room will appear at an elevation of less than 26 ft higher than their neighborhood. Their finish floor levels are slightly higher than the elevation 1555 actual finish floor of the main level of the church. There is heavy vegetation along the wash that camouflages the overall height because it will visually cover the lower half of the building.

4. *The requested exemption is in conformance with a previously adopted version of the ESL Ordinance:*

1987 Zoning Ordinance, Per Section 5.012.12. c, allowed up to 30 ft height and up to 10% roof area at 40 ft subject to DRB review and approval for compatibility with the established neighborhood character.

ESLO II. Effective 01-31-02 and modified 05-01-03. Design Standard Sec. 6.1070.B. Building Heights, 1.b. This ordinance started as 26 ft and changed to 24 ft height in R-1 but allowed DRB the authority to review and consider a request to exceed this height and to approve non-residential buildings that exceed 24 ft height.

ESLO III. modified 05-21-04. Section 6.1070 Design Standard. B. Building Height b. Maximum Height. We request to exceed the new ESLO III, Height limit of 24 ft above natural grade.

We are compatible with the adjacent neighborhood.

St. Bernard of the Clairvoix Catholic Church, located across 124th Street, has approximately 32 ft main wall height, 43 ft. top of worship space and 49 ft. top of cross on its' steeple.

The Islamic Center of N.E. Scottsdale Mosque was recently approved and is currently under construction nearby. It has an average wall height of 29 ft., dome of 35 ft. and top of its' minaret at 45 ft.

The Desert Mountain High School and Mountain View Middle School just north on Shea a block is considerably higher in elevation toward the McDowell Mountains and are also much taller structures, ranging from 35 ft to 63 ft. in height.

Residences: There are surrounding homes in view of this site that are 2-story plans and others that are large volume ceilings that exceed the current 24 ft. height restriction.